



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND THE
COUNCIL SITTING AS THE REDEVELOPMENT AGENCY BOARD AND THE
PUBLIC FINANCING AUTHORITY BOARD**

WEDNESDAY, MAY 25TH, 2005

The regular meeting of the City Council, also sitting as the Redevelopment Agency and the Public Financing Authority Board, was called to order by Mayor/Chair person DeRosa in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on May 25th, 2005 at 3:00 p.m.

ROLL CALL:

Present: Council Member/RDA Board Members Marchand, Vasquez
Mayor Pro Tem/RDA Vice Chair Pettis and Mayor/Chairman
DeRosa.

Absent: None

Council Member England arrived at 3:10 p.m.

The Regular meeting began at 6:30 p.m. and was opened by Mayor/Chair person DeRosa. Mayor Pro Tem Pettis was not in attendance during the evening session as he had been excused earlier during the study session. Father Mike Maher from St. Louis Catholic Church led the invocation. Mayor DeRosa asked for a moment of silence in memory of two business leaders who recently died in a plane crash, Mr. Tim Jessup business owner in Cathedral City and Mr. Garold Miller of Millwood Construction in Palm Springs. The Cathedral City High School Air Force Junior ROTC Color Guard presented the colors and Mayor DeRosa led the audience in the pledge of allegiance.

CLOSED SESSION AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)
Number of Potential Cases: 3
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Police Fire Management Association (CCPFMA); 2) American Federation of State, County and Municipal Employees.

3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California Case No. EDCV 02-965
4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive
Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx) Complaint for Damages and Injunctive Relief Demand for Jury Trial
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: Parcels just north of B Street and East of Van Fleet, south of the wash, west of Date Palm Drive, and north of East Palm Canyon Drive
Negotiating Parties: Cathedral City Redevelopment Agency and Tri-Millennium Cathedral City LLC
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: APN# 677-441-011, 677-441-012, 677-443-004, 677-443-05, 677-445-014 and associated parcels
Negotiating Parties: Cathedral City Redevelopment Agency and Wayne Merritt
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition

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7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: East of the East Cathedral Canyon Storm Channel in Designated Open Space Area.
APN #674-020-009 & 011 and 670-060-017 & 025
Negotiating Parties: Cathedral City Redevelopment Agency, Desert Cove Golf Resorts, LLC and Barbara Lyons.
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: West of the East Cathedral Cove Storm Channel and north of "D" Street
Negotiating Parties: Cathedral City Redevelopment Agency and City Urban Revitalization Corporation (CURC)
Property Owners: Martin Sousa, et al; Jorge & Maria Sanchez and Jose Ruiz
Under Negotiation: Property Disposition
9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: North of East Palm Canyon Drive, East of Cree Road
APN#s 681-310-011, 014 and 016.
Negotiating Parties: Cathedral City Redevelopment Agency and the Bedford Group
Property Owners: Lincoln Trust Company and OCOBO
Under Negotiation: Property Disposition
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: 68623 D Street
APN# 687-231-014
Negotiating Parties: Cathedral City Redevelopment Agency and Darlene Palleschi Trust, et al
Property Owner: Darlene Palleschi Trust, et al
Under Negotiation: Property Acquisition
11. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: 68577 & 68584 C Street
APN# 687-215-001 and 687-213-013 & 014
Negotiating Parties: Cathedral City Redevelopment Agency and Building Horizons of the Coachella Valley
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition

12. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: 67265 Mission Drive
APN# 677-393-003
Negotiating Parties: Cathedral City Redevelopment Agency and Gregory O. Holta
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
13. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: 68575 E Street
APN# 687-233-008
Negotiating Parties: Cathedral City Redevelopment Agency and Gary Howell as Realtor
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
14. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8
Property Location: South of "D" Street and East of Van Fleet Avenue
APN# 687-241-027, 045, 047 and associated parcels
Negotiating Parties: Cathedral City Redevelopment Agency and Bill Waddle and Michael Criste
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition

CLOSED SESSION ANNOUNCEMENTS

City Attorney Charles Green advised that there were no announcements out of Closed Session.

PUBLIC COMMENTS

Bill Cohen- Cathedral City- Reported that Mrs. Cohen is in the Premier Nursing facility on Ramon Road and that he is trying to get Medi-Cal to give her home care. Mr. Cohen spoke to the fact that the COP is still in need of volunteers and that he still has tons of t-shirts for sale. Further, Mr. Cohen stated that he had brought a check for \$316,778 showing the number of volunteer hours that the COP has done and what they have saved the City. Mr. Cohen presented the check to Mayor DeRosa.

Mr. Bill Wilson- Cathedral City- Spoke with regards to an abatement notice that he had received from the City and which he had found blowing in the wind and that he felt that he was not properly served. He stated that he received a certified notice of incomplete filing from Deputy City Clerk Betancur stating that his letter submitted to Code Enforcement earlier was

not an appropriate appeal. Mr. Wilson stated that he would like more assistance from the City and that instead of having the City spend money on attorney fees, he should be given some help in the appeal process.

Madisyn Bonestell- Cathedral City- Ms. Bonestell spoke about the pool proposal for Cathedral City High School and the inconveniences the members of the swim team go through to be able to practice the sport that they love. Further, Ms. Bonestell stated that the High School really needs a pool not only for the water polo team or swim team but also for the benefit of the entire community and how in the Desert Cathedral City is the only City without a pool or an aquatics facility and that if Cathedral City were to have a pool it will benefit many people during the hot summer months and where a number of programs and activities for its residents could be offered.

Rachel Farhi- Cathedral City- Ms. Farhi stated she is part of the Cathedral City aquatics team and has been traveling back and forth to Palm Springs for the past seven years for Club swimming. She stated that the Cathedral City High School will benefit greatly by having its own pool and many kids will want to join. She stated that many kids stay away from the sport because of the many inconveniences of having to travel back and forth and have to pay for pool time.

Roz McCree- Cathedral City- Ms. McCree attended Cathedral City High School from 1994-1997 and was part of the Coed water polo team and swim team for four years and that these sports were mainly boys at the time. She stated that many girls stayed away from the sport because they did not want to play with the boys. She stated that she approached the coach with the proposal to have a girl's water polo team. She went on to say that after getting the support of other girls and later on parents, they were able to get a team and that she is here to advocate for a pool because if you build it they will come and that the whole community will benefit from it.

James DiBari-Cathedral City-Mr. Dibari stated that he lives on the corner of 30th and Da Vall and he is here with the issue of traffic in this area where people drive by at excessive speed. Mr. Dibari asked Council if it will be possible to have a traffic officer to monitor this area.

Mayor DeRosa asked if anyone else in the audience wish to offer public comments and seeing no one else wanted to speak, she closed public comments.

AGENDA FINALIZATION

Mayor DeRosa stated that this evening we are going to pull item No. 9 from consent and putting it on legislative and that we will be pulling item No. 10 and we will continue it to a future date. There are no urgency items and no added starters tonight.

SCHOOL REPORTS:

Melissa Torres- Cathedral City High School. Ms. Torres briefed the Council on the activities of the next couple weeks with respect to graduation and other major events of the end of the school year. Ms. Torres thanked the Mayor for her support and that she enjoyed coming to Council to give her report.

Stephanie Price-Cathedral City High School. Ms. Price briefed the Council on the last few weeks of their High School year and how much she appreciated the Council's support and that she enjoyed coming to Council to give her report.

Mayor DeRosa thanked both of the students for their time and dedication to the school and wish them well as they go on to College.

COUNCIL COMMENTS

Council Member Marchand- Requested to adjourn in memory of Mr. Tim Jessup and Mr. Garold Miller as well as in memory of the American fighting men who have died in Iraq since the last Council meeting given the fact that we all know that we lost eight yesterday and four the day before that. Mr. Marchand stated that he has always been very pleased to hear the school reports from the students and thank them for doing so. Further, he commented that the team building exercise in Tahoe last week was a productive one in that there were several discussions on how to be more effective public servants with Mr. Marchand thanking his colleagues on the Council and Mr. Bradley for being there and that as a result of this event, the Council came back more united and that is value added.

Council Member England- Spoke with regards to the High School band who will be show casing their talents and that this will be the end of the year show-case of all of the students who will be showing their talents with musical instruments and that is amazing how far the students have come under the direction of Mr. Wetmore. Mr. England invited all citizens to come out and support the band. Mr. England also spoke about the Human Social Resources Committee meeting with Coachella Valley Association of Governments, that the 211 is a social services hotline, which will come into effect July 1, 2005 and that this is a social services information hotline designed to relief the pressure of the 911 system where people call asking for information related to social services. Mr. England lastly stated that the City of Cathedral City had participated in a program called EITC or (Earned Income Tax Credit), which is a program that helps individuals who normally do not file an income tax and that money stays with the Internal Revenue Service and that the City was one of the few cities in the Valley that participated with an additional 61 returns that normally would not have been done, which amounted to a total of \$101,000 in refunds that went out to those filers.

Council Member Vasquez- Mr. Vasquez reported on the 35th Avenue Assessment project that is coming along nicely with Phase I is almost complete with streets, sidewalks, curbs, sewers, new water lines are all in and that they are waiting for a couple of water issue items to be finished and that people will be connecting within the next three weeks and that the project is actually ahead of schedule and that they are still looking at a completion date of

probably November and that Phase II will be finished about another 45 days and it has made a big difference and that now you can see families and kids now on the sidewalks in the evenings together talking to their neighbors and visiting with each other.

Mr. Vasquez reported on his attendance at the ROTC awards banquet at the High School where he presented the first Danny Ramirez scholarship award to Issac Lara a young man in that organization who is well thought of and everyone should come and see this wonderful group. Further, Mr. Vasquez spoke about the neighborhood watch and that he constantly has people calling for groups and that he expects that by this Summer they will have about twenty groups going in one form or another and that he wanted to thank the Police Chief and his staff for the great job that they do and that they just had their second meeting with the Terrazino Apartments on Converse off Date Palm and that in 60 days they had resolved about 80% of their problems there and that is very successful and that officer Mendoza was out there again and that a big portion of the community there only speaks Spanish and that people should not be concerned if you want to start a group and you have Spanish residents that we can now offer services and that we are always able to get people to translate and to communicate. Mr. Vasquez stressed the need to engage every member of the community with these services and offered that if anyone wants to start a group to get in touch with the police department who will get in touch with him and that he can then get out there and get you set up.

Mayor DeRosa stated that one of the things the Council had decided during the team building exercise in Tahoe was to limit the amount of time for Council comments in order to make the meeting run more efficiently.

Mr. Marchand offered one more comment and stated that a number of constituents have called him because they know he represents Cathedral City on the Mosquito and Vector Control District Board and that the District has put out ballots regarding the possible creation of a benefit assessment district in order to allow the district to continue to provide the kind of services it has since 1928 and that the proposed benefit assessment cost per parcel for the average residential parcel in the Coachella Valley will be about \$16,00 per year to continue to provide high quality mosquito and vector control service and red imported fire ant eradication. Mr. England asked that the Council meeting be adjourned also in memory of filmmaker Ismail Merchant who recently passed away at the age of 68.

Mayor DeRosa- Spoke about the team building exercise that Council attended with the City Manager and that they had a great time and that it was a wonderful opportunity in a neutral environment to sit and share to discuss their similarities and differences and that they have found very constructive ways to continue the dialogue and to get the work of the City done and to be able to negotiate to get to yes where every body is concerned and that she is looking forward to what is forthcoming. Ms. DeRosa also reported on the Nelly Coffman Middle School National Convention called the blessings of liberty and that this is a great event that gets better every time.

Mayor DeRosa spoke with regards to the number of vacancies on several City Commissions and Committees and how important volunteers are for the City and encouraged people to contact the City Clerk or the Deputy City Clerk if anyone has any interest. Further, she commented that the City has scheduled several focus groups, which will give citizen the opportunity to participate.

MINUTES

Deputy City Clerk Betancur stated for the record that one correction to the minutes was in order and the correction had to do with item number 8 from the meeting of May 11, 2005 regarding the action that the Council took on Roberta's Limited Partnership, the action should have reflected the fact that the Council approved that item by Redevelopment Agency Resolution No. R-410A as well as Minute Order No. 3892. The Resolution 410A was left off the minutes and therefore it needs to be reflected in the minutes

Council Member Marchand moved approval of the minutes as corrected from the regularly scheduled City Council/RDA Board Meeting held on Wednesday, May 11th, 2005. **Motion seconded by Council Member England, motion carried 4-0.**

CONSENT AGENDA

Council Member Marchand moved for approval of the consent agenda items 1-8 inclusive of consent agenda. Motion seconded by Council Member England, **motion carried 4-0.**

1. Approved of resolution of the City Council for the City of Cathedral City, approving the submission of a grant application to the California State Department of Parks and Recreation Off-Highway Motor Vehicle Division for the 2005-2006 funding cycle **by Resolution No. 2005. 38.**
2. Adopted resolution of the City Council for the City of Cathedral City, approving the findings and recommendations of the Cathedral City Fireworks Committee **by Resolution No. 2005-39.**
3. Approved Final Parcel Map PM 32807: Located at the southwest corner of Victoria Drive and Corregidor Drive **by Minute Order # 3893.**
4. Approved Co-operation Agreement with Riverside County for Community Development Block Grant (CDBG) and HOME Program funds for fiscal years 2006-2007, 2007-2008 and 2008-2009 **by Resolution No. 2005-40 and Minute Order # 3894.**

5. Adopted resolution of intention to vacate a portion of Aliso Road, between Date Palm Drive and San Eljay Avenue, and to vacate certain public utility easements on lots 1, 2, 22, and 23 of Rich Sands Estates subdivision, located between Ramon Road and Aliso Road, west of San Eljay: Vacation No. 05-002 and Vacation No. 05-003 **by Resolution No. 2005-41 and Resolution No. 2005-42.**
6. Authorized staff to purchase one alternative fuel vehicle using Redevelopment and Air Quality funds **by Minute Order # 3895.**
7. Approved the fixed asset capitalization and inventory policy in compliance with GAAP and GASB34 **by Minute Order # 3896.**
8. Approved extension to Memorandum of Understanding (MOU) by and between the Redevelopment Agency and the Bedford Group relative to the development of tourism oriented facilities north and west of the existing target retail center by **Minute Order # 3897.**
9. Merritt Memorandum of Understanding Item moved to the legislative calendar as Item No. 12A...

PUBLIC HEARINGS

10. Introduction of Zoning Ordinance amendment 05-001, relative to modification of the Development Standards to the Downtown Residential Neighborhood District. **(ITEM TAKEN OFF THIS AGENDA TO DATE UNCERTAIN)**
11. Adopted resolutions of the City Council for the City of Cathedral City, resolution of the Redevelopment Agency and resolution of the Cathedral City Public Financing Authority.

There was a brief report by Ms. Tami Scott, Finance Director who stated that this City was incorporated in 1982, which makes the City a post proposition 13 City and that under this designation the City's general fund which are dollars that the City receives in various forms that allows us to provide for and pay for services that are provided to the community and that the City is not the recipient of many of the property tax dollars. Ms. Scott further stated that the City founders were wise enough to create the Cathedral City Redevelopment Agency and what that provides is an opportunity to receive property tax increment into the Redevelopment Agency for the purposes of investing those monies into the community to create increase value in the community and create businesses, help businesses, and ultimately create sales tax dollars which will go into the general fund to provide services.

Further, Ms. Scott reported that one of the conditions of being the recipient of tax increment dollars in the Redevelopment Agency is that there is a requirement to carry a level of debt for the Redevelopment Agency in order to be the recipient of those dollars thus from time to time over the past 20 or so years the City has

issued both tax exempt and taxable bond issues around the City for various project areas and that what we have here this evening is a request and a recommendation by staff to refinance in other words is refunding in the bond market on an outstanding bond issue that was done in 1995 and that there is a portion of the bond issue that is now available and has a date of August 1st. She stated that given current bond markets today, the rates are considerably lower today than what they were ten years ago when the bonds were first issued to the tune of about 2% lower or what we is termed 200 basis points and that having said that, there is here an opportunity to refinance these existing bonds and create about 1.5 million dollars in the merged project area and another \$300,000 dollars or so in Project Area No. 3 with Ms. Scott describing the boundaries of the merged project area as being part of the downtown corridor.

Ms. Scott further commented that upon Council direction during the strategic planning session one of the goals was to commence the process of business retention and this action will allow for some dollars to be used for that purpose.

Mayor DeRosa asked if there were any questions from Council and seeing that there were none, she opened up the public hearing. Seeing no one wished to speak on this item, Mayor DeRosa then closed the public hearing. Council Member Marchand offered a motion to approve this item, which was seconded by Council Member England. **Motion carried 4-0 by Redevelopment Agency Resolution No. R-412, Redevelopment Agency Resolution No. R-413, Public Financing Authority Resolution No. PFA-17 and City Council Resolution No. 2005-43.**

LEGISLATIVE ACTION(S)

12. Approved resolution of the City Council for the City of Cathedral City, a resolution of intention to initiate and authorize balloting for the proposed Cimarron Homes Tract Landscape and Lighting District Zone 20 (LLD-20).

A brief report was given by Mr. Robert Mohler from the Engineering Department who stated that this is a request for the Council to consider three resolutions to initiate a neighborhood Landscape and Lighting Maintenance District called the Cimarron Tract located at the northeast corner of Santoro and 30th Avenue and is tract No. 25-804-1 comprised of 32 homes and that on May 16th, the City met with the owners and it was a successful meeting with a good turn out and where residents were asked to consider two alternatives one being to continue maintaining the Parkway as a greenscape or to convert the parkway to desertscape, which will be less expensive and where they will be some water savings and that group voted to go ahead with desert landscape and that the cost annually will be about \$7,548 divided by 32 lots that will be \$235.88 cents per year or about \$19.66 per month per property owner and that Koppel and Grover will be hired tonight to prepare the resolutions, engineer's report and balloting duties for the ballot and that upon Council's approval, Mr. Koppel will begin the balloting process.

Since there were no questions from Council, Mayor DeRosa then asked if there was anyone in the audience who wish to speak on this item, seeing no one wish to speak, she closed public comment. Council Member Marchand offered motion to approve the resolutions, which was seconded by Council Member Vasquez. **Motion Carried 4-0 by Resolution Nos. 2005-44, 2005-45 and 2005-46.**

Mayor DeRosa stated that for the record that she does not favorite these assessments districts and that she votes to support these assessments because she is supporting the residents who would like this to be done in their neighborhood but that is not something that she would like the city to continue doing.

- 12A. Approved a Memorandum of Understanding with Merritt RV for the potential development of a recreational vehicle sales and service complex, together with related amenities.

Mr. Keith Scott-Redevelopment Project Manager began his report stating that this item is a request for consideration of a proposed memorandum of understanding with Merritt RV and that for the sake of the audience a memorandum of understanding is an agreement between the Redevelopment Agency and a property owner or developer wherein they agree to negotiate a potential deal and that there is nothing to say that a definite project will go forward and that it is merely an agreement to negotiate and that it gives the Agency the obligation to not negotiate with any other parties other than in this case the existing property owners and Merritt.

Mr. Scott proceed with an explanation for the current proposal and that just recently the Agency had received a proposal from Merritt RV for a memorandum of understanding for development of a recreational vehicle sales and service and retail complex and that the developer is asking for some 30 to 40 acres in the area north of Ramon Road and immediately west of the Whitewater Channel with the project taking some 30 to 40 acres of 63 acres that are there and that some of which is occupied and some of which is vacant and some of which property owner is considering doing a project themselves and that the specifics of the development are not on the table yet and that those will be part of the negotiations and that a major concern of the Agency is what happens to the businesses that are existing in that area and the Agency is very concerned about that and that we want to make sure that to the maximum extend possible that the existing businesses can remain there hopefully where they are precisely now but if not somewhere within the Redevelopment Project.

Further, he stated that there is an owner participation process that would need to be implemented if the Agency gets to the point that there is a Disposition and Development Agreement, which would allow a development to proceed and that the owner participation process offers to each of the property owners within the area that is ultimately designated as the area within which the proposed development would

have the opportunity to present to the Agency Board a competing project for consideration and that the Agency under the owner participation rules that were adopted and reiterated in 2003 has the ultimate authority to determine which project it is they would like to see go forward on a particular piece of property and that they must duly consider any project that is put before the Board by the existing property owners and that the Agency held two informal meetings with property owners over the past two weeks and several issues were discussed including what an MOU was and discussed the fact that this is not a guarantee of a project and gave them the opportunity to ask questions and that there were about 15 to 20 people between the two meetings and they had some good dialogue.

Council Member England asked about what the time frame was or when the City requested eminent domain and when the City approved it?

Mr. Scott stated that ultimately the planned amendment was finalized around the middle of April.

Council Member Marchand asked the fact that the City may or may not enter into a memorandum of understanding with someone does not in any way prevent existing land owners from developing their properties, is that correct?

Mr. Scott stated that is an accurate statement and that in addition to that it does not prohibit the property owners from negotiating with the Redevelopment Agency or the city during the time that the MOU is in effect.

Mr. Vasquez asked if this MOU is only for 120 days and that if the Agency had made it clear to all interested parties that the number one priority for the city right now is the well-being of the existing businesses?

Mr. Scott stated that yes the Agency has done its due diligence in providing such information.

Seeing there were no additional Council comments, Mayor DeRosa opened the floor for public comments.

Dr. Kurt Bochner- Resident of Palm Springs. Dr. Bochner stated he has been a resident here for 43 years and owned the property for 19 years and as recently as three years ago he was working with an agency that was recommended to him by Mr. Shillcock to do low-income housing and that the project was turned down due to lack of financing. Dr. Bochner stated that on May 2nd he met with Mr. Keith Scott who assured him that there were no plans now or in the future to rezone this property and to go ahead with his plans and that this project to take 30 to 40 acres out of 63 acres because they just happened to own 30 of them and that they have heard it repeatedly by Mr. Scott a few minutes ago that they are not going to hurt the businesses and that it makes it obviously that his land is going to be grabbed and that he does not think this is fair and is kind of unconscionable and that they have

spent money, time and effort since last November on this project and they are ready to proceed and that now they have to compete from someone from outside and ask for permission to develop their own property and stated that he is asking for the Council's consideration for someone who has been a loyal citizen here for 43 years and is a long standing member of this community.

Mr. Frank Webb- Resident of Murrieta. Stated that he has been involved in many large and small developments of all types in the home building industry and that he was contacted by Dr. Bochner in February to take a look at this property and what potentially could be done with it. Mr. Webb presented an aerial sketch of the property and explained its boundaries and configuration and that his proposal is simply adding to the existing development. He stated that he has meet with a number of entities with respect to this project and done everything necessary to move forward with this project that is going to be outstanding with several choices of dwellings to service a variety of niches for a variety of clients and that this property is zoned R-2 and that this is a project that is compatible with its existing surrounding land uses.

Mr. Edward Dilkes-Resident of Los Angeles. Mr. Dilkes stated that he represents the Bochner family and that up to this point Mr. Scott has done everything in his power to protect the owner participation rights of the Bochner family who have owned the property almost as long as the Redevelopment Project No. 3 has been in existence and that the way in which the Agency is proposing to do that is not going to work and that what has been created is a foot race where the Bochners now have to come in faster than Mr. Merritt does with a plan and put the Agency in the impossible position where choosing to let an owner participant develop consistent with the Redevelopment Project guidelines and the Redevelopment Project land use restrictions and or alternatively the other choice if the Agency decides to select the Merritt proposal is to amend the project and that he does not think that they can do what they want to do now under the current zone code and that they have to go back and get different land use designations and all sort of new environmental review and a whole lot of other things that is going to take a great deal more than 120 days and that he can absolutely promised that the Bochners are going to be back here with plans being capable of being active on a whole lot sooner than that.

Mr. Dilkes asked the Council to disapprove of this project and to give the Bochners some fixed amount of time to show their staff and that Council will be satisfied with their plan.

Dr. Clifford Bochner- Resident of Beverly Hills. Dr. Bochner stated that his father and him bought this land together and when the statement was made tonight that we are considering development he believes that seriously under states what his resolve is and that they do plan to develop this land and they are well on the way of doing so and would like to engage the Council's support.

Seeing no one else wished to speak on this item, Mayor DeRosa closed public comment.

Council Member Marchand asked Mr. Scott to refresh his recollection as to the time frame and when did you first become aware of the proposal of Doctors Bochner were making before or after this Council's vote on eminent domain?

Mr. Scott responded that certainly after.

Mr. Marchand further asked Mr. Scott as to when did he first become aware of all the proposals that were being offered by Doctors Bochner?

Mr. Scott answered that he was first aware when he met with Doctor Bochner, his son and his real estate consultant on May 2nd where they talked about what he might or might not be able to do and that he assured him that at that time they had no proposals on the table from anybody else and that he also told him that he did not know when they would get a proposal to redevelop it and that it could be shortly or it could be years away that they did not know. Further, he stated that at that time there was no real indication that they had something that was as far along as what they are indicating here this evening and that is not to say that they did not have something is just that he was not aware of it at that time.

Council Member Marchand stated that he had an additional question and that it had to do with what Doctor Bochner the elder stated earlier about having a bull's eye on his back and whether or not there was any actual intent to view the Bochner acreage as a reach me first solution?

Mr. Scott stated that, that has never been, is or has been the intent and that no one sat down and said that the Bochner property was a target.

Council Member Vasquez- Asked that with respect to the existing businesses his understanding was that that does not necessarily mean that they will be left in their existing location and that they maintain their interest if we do decide to take some of the land they are on and that we would look into moving them into location within the project and that is not necessarily that they are all staying and we are taking other property and that there is no decision as to what property we are even looking at this point?

Mr. Scott responded that was correct.

Mayor DeRosa stated that she had a comment about the meetings in which she was present and in which they had a wonderful discussion with them and that it should not be an assumption that the Bochner property is a target because as Council Member Marchand pointed out there was no discussion as to their property being taken first in any way nor was there any discussion about any proposal from anybody who was looking at that because that was a concern that she raised when

she wanted to meet with those business owners and that the meeting with the business owners was her request to meet with them as a small business owner because she does not truly believe in eminent domain and that she wanted to work with them and that accordingly staff has been directed to continue to work with all the property owners on an ongoing effort to as the City moves forward to see what the viability is and what options they have for that property.

Council Member England entertained motion to approve this item with a second offered by Council Member Vasquez. **Motion carried 4-0 by Minute Order # 3899.**

13. Authorized the Police Department to enter into an agreement with American Traffic Solutions as a BETA site for a "Red Light Camera Program."

City Attorney Charles Green advised that the City Clerk's office had received a letter from Mr. Aaron Rosenberger with Red Flex Traffic Systems and that the letter sets forth a number of reasons why Mr. Rosenberg feels we should not proceed with the agreement before the Council tonight and that each of the Council Members has been provided with a copy of the letter which will be deemed a part of the record. Mr. Green stated that the only point in this letter that warrants a response is the point asserting that this contract is required by law to be competitively bid with Mr. Green stating that unlike public works contracts which are subject to the competitive bidding requirements that this is a professional services contract and for that reason does not require competitive bidding.

Chief Henry briefly explained for Council the reasons why this is beneficial for the Community and that they have been working on this for quite some time and that he also had looked at other systems and investigated other options and that the proposal before the Council tonight is the best not only in terms of price but also in terms of technology. Chief Henry stated that they also had talked to cities like New York and they have received some good references.

Chief Henry introduced Doctor Bill Krofky with American Traffic Solutions who made a presentation with respect to the Red Light Camera technology and demonstrated briefly how it works and what is capable of doing.

Dr. Krofky answered several questions from Council with respect to the hit rate and impact of using this technology and why it warrants being used here in Cathedral City.

Mayor DeRosa opened the floor for public comments.

Bill Cohen-Cathedral City. Mr. Cohen stated that this is a subject of his great interest and that he drives a great deal in the area and he has noticed how some people blatantly run red lights and commit other traffic violations and urge the Council to approve this item.

Peg Coin-Cathedral City- Ms. Coin spoke about the safety features of this system and that to be able to see on camera when someone needs an ambulance is worth considering and that as a former nurse this is something she would like to see implemented.

Seeing no one else wished to offer public comment, Mayor DeRosa closed the public comment. Council Member England moved to approve with Council Member Marchand seconding motion with an amendment that the approval is contingent upon the City Attorney successfully reducing the contract to acceptable terms since we have some changes to make. Council Member England accepted amendment. **Motion carried 4-0 by Minute Order # 3899.**

14. Approved recommendation of the Public Arts Commission to support Volvo's selection of "Eternal Flow," a sculpture by Idaho artist Mark Stasz, for placement at the southwest corner of East Palm Canyon Drive and Perez Road.

Mr. Robert Mohler presented the staff report stating that the public arts ordinance requires builders whose projects reach certain investment thresholds to either provide art for public viewing or pay an in lieu fee and that Mr. Robert Marchand the Chairman of the Public Arts Commission is in the audience and that he may want to speak on this matter.

Mr. Marchand stated that he never resist the temptation to talk about something cultural and that this is the first time that one of our developers has actually involved himself in the selection of an art piece and that it has been a real pleasure working with Orie Mann over the past five months.

Mr. Orie Mann- Rancho Mirage stated that it was a real pleasure working with Mr. Marchand and the rest of the Commission and that it was a very exciting project and that they are the first auto dealer here locally to support and sponsor an art piece in a very prominent location and that the timing for placement of the piece is about six-months away because the artist wants to time this placement with other work the artist is doing in southern California.

Council Member Marchand made motion to approve, motion seconded by Council Member England. **Motion carried 4-0 by Minute Order # 3900.**

COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS.

Mayor DeRosa made a brief comment that the median on Dinah Shore between Date Palm and Cathedral Canyon is over the edge.

Council Member Vasquez stated that if we could have staff contact the city of Rancho Mirage and that the Plumley project they are doing has gotten out of control the green fence and the weeds on the inside of the green fence along Plumley are about seven feet high and that on the outside of the green fencing along Plumley are about four to five feet high and that they are

working inside and that with the last rain and now this heat it does really look bad in that area and that if staff could contact Rancho Mirage and get that taken care of.

Council Member Marchand he had a constituent inquiry and expression of concern to remind people who are riding on bicycles that bicycles are considered vehicles and that they should take precautions to equally obey traffic laws and that one of his constituents almost ran into a bicyclist and thus prompted this concern.

ADJOURNMENT

Hearing no further business to come before the Council, Mayor DeRosa declared the meeting adjourned in memory of Mr. Tim Jessup and Mr. Garold Miller as well as in memory of the American fighting men who have died in Iraq since the last Council meeting and Mr. Ismail Merchant who passed away recently at the age of 68. Meeting adjourned at 8:32 p.m.

Daryl Betancur
Deputy City Clerk